

Mary Potis, Janie Marie Potis, an
infant who resides with her mother,
Mary Potis, and the heirs and devisees
and personal representatives of Raymond
Potis, deceased, whose ages, residences,
and legal disabilities are unknown,
OWNERS OF PARCEL NO. 25-MILFORD LEE, et al,

APPELLANTS,

VS.

STATE OF ALABAMA,

APPELLEE.

Condemnation

No. 5

Inst # 1983-04131

02/11/1993-04131
03:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
9.00

On this the 16th day of March, 1960, came the parties to this cause into open court with their attorneys and this case having been regularly set for the settling of the pleadings therein, the Court appoints Karl C. Harrison, Attorney to represent the minors in this case.

On this the 16th day of March, 1960, defendant and the Guardian ad litem for minors, withdraw demand for trial, with the consent and permission of petitioner, and case set for the next term of said court to-wit: April 18, 1960.

THIS CAUSE came on for trial on this, the 18th day of April, 1960, on appeal from the order of condemnation made and entered in the Probate Court of this County on the 24th day of September, 1959. The parties to this proceeding came into open court in their own persons and by their attorneys of record and also came Hon. Karl C. Harrison, as guardian ad litem heretofore appointed in this case, and parties announced ready for trial. The Court is of the opinion and finds that it has jurisdiction of the cause and the parties.

THEREUPON, the Court proceeded to hear the allegations of the application or petition for order of condemnation, and upon consideration of said application and the testimony introduced in support thereof, it is the opinion and judgment of the Court that the allegations of the said petition are true, and that it is necessary that the property hereinafter described be condemned for the uses and purposes stated in said petition, and that the said application of the petitioner for order of condemnation should be granted. It is, therefore, CONSIDERED, ORDERED, ADJUDGED and DECREED by the Court, and it is the judgment of the Court, that the application or petition for the condemnation of an easement or right-of-way in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and other obstructions situated on said lands, the right to prevent any persons from placing or maintaining any obstruction on said lands, and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public improvements constructed or installed thereon or thereover, together with all existing, future and potential easements of access between the right-of-way of the public way described in said petition and all the real property of the respondents remaining after the appropriation of said easement and right-of-way described in the petition, be and the same hereby is granted and allowed.

THEREUPON, a jury having been legally demanded in said cause, the Court proceeds to have assessed by a jury the damages and compensation to which the several respondents are entitled for the condemnation of the parcel of property set out and described in said petition or application for condemnation and as hereinafter described.

THEREUPON, on the 18th day of April, 1960, a jury of good and lawful men, to-wit: Mark W. Bentley, Foreman, and eleven others, who being duly impaneled and sworn according to law, upon their oaths do say:

We, the jury, hereby assess and fix the damages and compensation to the owners of property described in Tract No. 78, of the petition or application for condemnation filed in the Office of the Probate Judge of Shelby County, Alabama, on the 3rd day of August, 1959, in this cause, and owned by the respondents involved in this appeal at the sum of Four Thousand Seven Hundred Fifty Dollars (\$4,750.00).

S/ Mark W. Bentley (Foreman)

And now comes the petitioner by its attorney and shows unto the Court that it has heretofore deposited with the Judge of the Probate Court of Shelby County, Alabama, the sum of Four Thousand Seven Hundred Fifty and no/100-----Dollars (\$4,750.00), as damages and compensation for the condemnation of the lands and interests in lands hereinafter described, which said sum has been transferred and delivered by the Judge of the Probate Court of Shelby County, Alabama, to the Clerk of this Court, who now has possession of said fund.

It is hereby ORDERED, ADJUDGED and DECREED by the Court that the Clerk of this Court hereby is authorized and directed to pay to the respondents the sum of Four Thousand Seven Hundred Fifty and no/100 Dollars (\$4,750.00), which is the amount of the award in this cause presently being held by the Clerk.

It is further ORDERED, ADJUDGED and DECREED that the costs of court in this cause are hereby taxed against the petitioner.

Upon payment of the award and costs in this proceeding by the petitioner in this cause, the following described lands and interest in lands are hereby condemned and awarded to the petitioner.

It is further ORDERED, ADJUDGED, AND DECREED by the Court that the petitioner, State of Alabama, be and hereby is given and awarded a right-of-way and easement in, over, on and upon the hereinafter described lands, together with the right to remove all improvements, trees, undergrowth and

Certified a true and complete copy

Dan Reeves, Jr.
Register of Circuit Court

26

other obstructions situated on said lands and the right to prevent any persons from placing or maintaining any obstruction on or upon said lands and also the right to enter upon said lands for the purpose of constructing, maintaining and repairing the public road, street, avenue or highway for which said land is sought to be and hereby is condemned, and for the uses and purposes sought in the petition or application; together with all existing, future and potential easements of access between the said right-of-way of the public way hereinafter described and all of the real property of the respondents remaining after appropriation of said easement and right-of-way herein described.

It is further ORDERED, ADJUDGED and DECREED that title to the property hereinafter described he and the same hereby is divested out of the respondents and hereby is vested in the petitioner, State of Alabama, said property being particularly described as follows:

A tract of land designated as Tract Number 78, as shown on the Alabama State Highway Department Right of Way Map, Project No. I-65-2(7) August, 1957, as recorded at page 113 of Right of Way Map Book, Office of the Judge of Probate of Shelby County, Alabama, being more particularly described as follows:

Commencing at a point that is 160 feet westerly of and at right angles to the center line of Project No. I-65-2(7) at Station 642/25; thence northwesterly along a straight line, which if extended would intersect a point that is 325 feet westerly of and at right angles to the center line of said project at Station 647/85, a distance of 300 feet, more or less, to the west property line and the point of beginning; thence continuing along said line a distance of 295 feet, more or less, to the north property line; thence northeasterly along said north property line a distance of 85 feet, more or less, to the east property line; thence southeasterly along said east property line a distance of 380 feet, more or less, to the south property line; thence southwesterly along said south property line a distance of 205 feet, more or less, to the west property line; thence northwesterly along said west property line a distance of 20 feet, more or less, to the point of beginning.

Said strip of land lying in the NE-1/4 of the NW-1/4 of Section 12, SE-1/4 of the SW-1/4 of Section 1, T-21-S, R-3W and containing 1.14 acres, more or less.

Also, all existing future, or potential common law or statutory rights of access between the right of way of the public way identified as Project I-65-2(7), County of Shelby, and all of the named owners' remaining real property consisting of all parcels contiguous one to another, whether acquired by separate conveyances or otherwise, all of which parcels either adjoin the real property described above or are connected thereto by other parcels owned by said named owners.

Also, any buildings or structures, or any improvements of any nature, which are attached to or located on, entirely or partially, the above described property or any part thereof.

During the entire proceeding in this cause, the guardian ad litem heretofore appointed to represent the minor and the unknown heirs, devisees or personal representatives of Raymond Potis, was in open court and participated in the all of the proceedings had and done in this cause.

DONE and ORDERED, this 18th day of April, 1960.

s/ A. L. Hardegree
Circuit Judge

Filed in office this 18 day of April, 1960
L.G. Fulton, Clerk of the Circuit Court of
Shelby County, Ala.

ALL OTHER CASES SET FOR TRIAL AT THIS TERM OF THIS COURT WERE CONTINUED AND THE COURT ADJOURNED.

Inst # 1993-04131

02/11/1993-04131
03:11 PM CERTIFIED
SHELBY COUNTY JUDGE OF PROBATE
002 MCB 9.00